

P02973US1(220-Streamlight)

PATENT APPLICATION
Serial No. 10/667,745**REMARKS**

Claims 2-8, 10-13, 15-21, 23-26, 28-30, 32-34, 37-39, 48-56 and 58-63 are pending in the captioned Application in which claims 1, 9, 14, 22, 27, 31, 35-36, 40-46, 47, 57 and 64-73 are canceled hereby without prejudice.

In the present action, claims 1, 2, 4-7, 9-12, 14, 16-22, 24-29, 31-33, 47-49, 54-55, 57-59 and 63 are rejected, claims 3, 35-46, 56 and 64-73 were previously withdrawn by the Examiner, and claims 8, 13, 15, 23, 30, 34, 50-53 and 60-62 are allowed.

Claims 1, 9, 14, 22, 27, 31, 35-36, 40-46, 47, 57 and 64-73 are canceled without prejudice to their being again presented in this or in another Application.

Ones of claims 2-7, 10-12, 16-21, 24-26, 28-29, 32-33, 37-39, 48-49, 54-56, 58-59 and 63 are amended so that each of claims 2-7, 10-12, 16-21, 24-26, 28-29, 32-33, 37-39, 48-49, 54-56, 58-59 and 63 depend directly or indirectly from a respective one of allowed claims 8, 13, 15, 23, 30, 34, 50-53 and 60-62, and therefore is patentable.

Because all claims pending are either allowed or depend from an allowed claim, the present Application is in condition for allowance.

Reconsideration of Election of Species Requirement:

Applicant hereby requests reconsideration of the Election of Species only with regard to withdrawn claims 3, 37-39 and 56 which as amended hereby depend from one of allowed claims 8, 34 and 50, and so claims 3, 37-39 and 56 are therefore allowable in the present Application.

Withdrawal of the election requirement as to claims 3, 37-39 and 56, and rejoinder and allowance of claims 3, 37-39 and 56 is therefore proper.

"It still remains important ... that no requirements be made which might result in the issuance of two patents to the same invention." MPEP §803.01.

Rejoinder and allowance of claims 3, 37-39 and 56 is solicited.

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The specification is objected to because of an item number at page 17, line 29. The objection is overcome by amending the specification at pages 17-18 by joining two sentences relating to the same thought into one sentence, thereby clarifying that lead 112 could extend through hole 126 and could be bent to be in groove 125 to provide the contact 134 at the rear of body 120" as originally described. The sentence following the amended sentence describes an alternative arrangement to the same end wherein a lead of LED 110 may connect to resistor 130 and a lead of resistor 130 may provide the contact 134. The Examiner is thanked for pointing out this informality.

This amendment does not narrow the scope of any claim element or limitation and so is not limiting of any claim element or limitation, and Applicant reserves the right to the benefit of the doctrine of equivalents with respect thereto.

Accordingly, the objection is overcome and should be withdrawn.

Rejection Under 35 U.S.C. §102(b):

Claims 27, 28, 31 and 32 are finally rejected under 35 U.S.C. §102(b) as being anticipated by US 4,547,837 to Bennett.

Although Applicant does not agree with the reasons or acquiesce in the rejection, the rejection is overcome by the cancellation of claims 27 and 31 and by the amendment of claim 28 to depend from allowed claim 30 and of claim 32 to depend from allowed claim 34.

Claims 1, 2, 4-6, 9-11, 14, 16-19, 21, 22, 24, 26-28 and 31-32 are finally rejected under 35 U.S.C. §102(b) as being anticipated by US 6,318,879 to Huang.

Although Applicant does not agree with the reasons or acquiesce in the rejection, the rejection is overcome by the cancellation of claims 1, 9, 14, 22, 27 and 31 and by the amendment of claims 2, 4-6, 10-11, 16-19, 21, 24, 26, 28 and 32 to depend from a respective one of allowed claims 8, 13, 15, 23, 30 and 34.

Accordingly, remaining claims 2, 4-6, 10-11, 16-19, 21, 24, 26, 28 and 32 are patentable – the rejections under 35 U.S.C. §102(b) are overcome and should be withdrawn.

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Claims 7, 12, 20 and 25 are finally rejected under 35 U.S.C. §103(a) as being unpatentable over Huang in view of US 5,131,775 to Chen.

Although Applicant does not agree with the reasons or acquiesce in the rejection, the rejection is overcome by the amendment of claims 7, 12, 20 and 25 to depend from a respective one of allowed claims 8, 13, 15 and 23.

Claims 29 and 33 are finally rejected under 35 U.S.C. §103(a) as being unpatentable over Bennett and Huang.

Although Applicant does not agree with the reasons or acquiesce in the rejection, the rejection is overcome by the amendment of claims 29 and 33 to depend from a respective one of allowed claims 30 and 34.

Claims 47-49, 54, 55, 57-59 and 63 are finally rejected under 35 U.S.C. §103(a) as being unpatentable over Huang in view of Chen.

Although Applicant does not agree with the reasons or acquiesce in the rejection, the rejection is overcome by the cancellation of claims 47 and 57 and by the amendment of claims 48-49, 54, 55, 58-59 and 63 to depend from a respective one of allowed claims 50 and 60.

Accordingly, claims 29, 33, 48-49, 54, 55, 58-59 and 63 are patentable, and the rejections under 35 U.S.C. §103(a) are overcome and should be withdrawn.

Conclusion:

Applicant respectfully requests that this Response which is proper under the Rules because it places the Application in condition for allowance be entered.

Applicant further respectfully requests that the objections and rejections be withdrawn, and that the Application including claims 2-8, 10-13, 15-21, 23-26, 28-30, 32-34, 37-39, 48-56 and 58-63 be allowed and passed to issuance.

The number of claims remaining being less than the number previously paid for, no


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fee is due in this timely filed response. However, should the fee calculation be incorrect or should any other or additional fee be due in consequence of this response, please charge such fee and deposit any refund to Deposit Account 04-1406 of Dann, Dorfman, Herrell & Skillman.

The Examiner is requested to telephone the undersigned attorney if there is any question or if prosecution of this Application could be furthered by telephone.

Respectfully submitted,
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